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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,883	09/23/2004	Hendra Suwanda	CA920020005US1	8103
25259 7590 08/26/2008 IBM CORPORATION 3039 CORNWALLIS RD. DEPT. T81 / B503, PO BOX 12195 RESEARCH TRIANGLE PARK, NC 27709			EXAMINER ZURITA, JAMES H	
			ART UNIT 3625	PAPER NUMBER
			NOTIFICATION DATE 08/26/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RSWIPLAW@us.ibm.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/508,883	SUWANDA, HENDRA	
	<b>Examiner</b>	<b>Art Unit</b>	
	James H. Zurita	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/02/07, 09/23/04</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

On 23 September 2004, applicant filed the instant application.

On 16 June 2003, the application was published as US PG-PUB 20050132329.

### ***Priority***

The Examiner acknowledges that the instant application as is a national stage entry of PCT/GB03/01342 International Filing Date of 20 March 2003, which in turn claims priority to application 2379306, filed on 27 March 2002 in Canada.

### ***Rejections under 35 USC 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 12 is rejected under 35 U.S.C. 101 because the claim is directed to different statutory classes, a product and methods (claims 1-10). MPEP 2173.05(p).

For purposes of this Examination, the Examiner will interpret the claims as being directed to a product. Prior Art will be interpreted to read on Claim 12 where Prior Art discloses structural components that are reasonable capable of performing applicant's intended functions. The Examiner notes that nothing in applicant's structure distinguishes the instant invention from the structure of the reference.

### ***Rejections under 35 USC 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

Art Unit: 3625

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, because the specification does not reasonably provide enablement for child module, base store module, entry link and exit link. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to avoid infringement. The claims refer to modules and ports, while the disclosures refer to component, subcomponent, base store site module, entry ports, exit ports, entry links and exit links. Applicant attempts to connect the various terms in paragraphs 0170-0174. In other places, subcomponents appear to include other subcomponents, as in paragraph 0164 and Fig. 4.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim is directed to both a product and the method steps of using the product. MPEP 2173.05(p).

In claim 11, the phrase "means for" appear to be an attempt to invoke 35 U.S.C. 112, sixth paragraph, to recite claim element as a means for performing a specified function. However, since the disclosures provide no structural support for the claims, it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

For purposes of this examination, the claim will be interpreted to *not* invoke the sixth paragraph. Prior art will be interpreted to read on applicant's claimed limitations where prior art discloses that the functions are being performed.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims refer to modules and ports, while the disclosures refer to component, subcomponent, base store site module, entry ports, exit ports, entry links and exit links. Applicant attempts to connect the various terms in paragraphs 0170-0174:

[0170] Navigation Links

[0171] Navigation plays an important part of a site design. It makes the site dynamic and responsive to visitor interactions. Components may be connected by navigational links via their entry and exit ports. There are three kinds of links that can be created within a component (these are illustrated in FIG. 5):

[0172] 1. Entry links: These are links connecting entry ports of a component to the entry ports of the subcomponents. Multiple entry ports of a component may be connected to a single entry port of the subcomponent. Entry link 56 connects the entry port, 50 of component, 60 to child component 61 by its entry port 52a.

[0173] 2. Exit links: These are links connecting exit ports of the subcomponents to the exit ports of the component. Multiple exit ports of the subcomponents may be connected to a single exit port of the component. Exit link 58 connects contained component 62 by its exit port 54b to the exit port, 55 of containing component 60.

[0174] 3. Inter-component links: This link connects an exit port of a subcomponent to an entry port of a sibling subcomponent. Intercomponent link 57 connects exit port 54a of subcomponent 61 to entry port 52b of sibling component 62.

In other places, subcomponents appear to include other subcomponents, as in paragraph 0164 and Fig. 4:

[0164] Referring to FIG. 4 in order to describe one aspect of the invention component hierarchy will be introduced, starting with the site component, 30 as the root. The site component, 30 is decomposed into smaller subcomponents called Areas, 31. An area, 31 is in turn decomposed into smaller subcomponents called Sections, 32, which is,

Art Unit: 3625

in turn, decomposed into smaller subcomponents called Virtual Pages, 33, which contain one or more Pages, 34. This decomposition forms a containment hierarchy rooted at the site component, 30. Note that each component in the hierarchy represents an abstraction of a virtual place used for a specific purpose. In the e-commerce context, a site may be decomposed into a Shopping area and a Customer Service area. The shopping area is designed for the users or customers of the site to do shopping, while the customer service area is designed to handle different customer needs such as order inquiries, registrations, profile updates, etc.

For purposes of examination, the terms are interpreted to refer to navigational buttons in hierarchical web site designs. The buttons may include combinations of hyperlinks and code that permit users to go to different areas within a site.

### ***Claim Objections***

Claim 12 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form and pay the appropriate fees.

Claim 12 is written in dependent format in that they reference prior method claims 1-10. However, Claim 12 does not further limit the steps involved in the parent method claim.

Claim 12 is also improper because it fails the "infringement test" (see MPEP 608.01(n), Section III). Applying the Infringement test, what is needed to infringe claim 12 is, for example a CD-ROM having computer executable code that if and when executed would cause a computer to do the steps recited in claims 1-10.

However, such a CD-ROM would not infringe the method steps of claims 1-10 since the CD-ROM itself never performs any of the active steps required by the method

Art Unit: 3625

of claims 1-10. In other words, mere possession of such a CD-ROM would infringe claim 12 but would not infringe claims 1-10.

As such, claim 12 is an improper dependent claim.

Claim 7 refers to *one exit of the base module* and should be changed to *one exit port of the base store site module*.

The claims refer to base module, base store site module, base module,

Claim 9 does not further limit claim 1 and claim 10 does not further limit claim 9. Each claim is drawn to *base store site module having at least one entry port for communication with the internet*.

Claim 9 refers to selected from the set comprising ...OR...

### ***Specification***

The specification is objected to because of the following informalities:

Paragraph 0093 refers to claim 126, which does not exist:

[0093] A hierarchically structured modular web site *in accordance with claim 126*, wherein the at least one contained child module comprising a termination module having only an entry port for linking with an entry port of a containing module has an exit port for linking with a plurality of other modules.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 3625

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12, as interpreted, are rejected under 35 U.S.C. 103(a) as being unpatentable over, Using Themes and Shared Borders in Microsoft FrontPage 2000, FrontPage, published June 1999, 13 pages.

As per claim 1, FrontPage discloses method(s) of establishing [in a data processing system capable of being linked to the internet] a hierarchically structured store web site for use on the internet comprising: [establishing in the data processing system]. See, for example, Step Three: Set Up Site Navigation and discussion of navigation view and hierarchy that represents the relationships between child and base web pages in a site on the Internet. See also *Create a Web Site*.

a base store site module (first level item) having at least one entry port for communication with the internet. See, for example, references to navigations buttons and web site, [connected to the World Wide Web]..

at least one child module of the base store site module (see second level) having an entry port. See references to navigation to second and third levels.

the entry port of the base store site module being linked to the entry port of the child module for communication between the base store site and the child module.

FrontPage does not specifically refer to the navigation processes in terms of entry port, exit port, base store site module and child module.

It would have been obvious to one of ordinary skill in the art at the time of invention to have modified the invention of FontPage to have included modules, each having entry points (points) and exit ports (points) because the incorporation of such features is no



Art Unit: 3625

more than the predictable use of prior art elements according to their established function.

As per claim 2, FrontPage discloses that at least one child module has an entry port and an exit port. See second level.

As per claim 3, FrontPage discloses that the child module has at least one entry port and at least one exit port; and the base module has at least one entry port; at least one of the entry ports of the child is linked to at least one entry port of the base module. See, for example, references to cancel

As per claim 4, FrontPage discloses that the child module has at least one entry port and at least one exit ports; that the base module has at least one entry port (from the Internet) and at least one exit port (as in link to the Internet) ; and

at least one of the entry ports of the child is linked to at least one entry port of the base module. See second tier.

As per claim 5, FrontPage discloses the method as claimed in claim 3 wherein the at least one of the entry ports, and at least one of the exit ports of the at least one child module are linked, respectively, to at least one of the base module's entry ports, and at least one of the base module's exit ports. See middle tiers.

As per claim 6, FrontPage discloses that the base module has a plurality of entry ports, and at least some of the plurality of entry ports of the base module are linked to the entry port of the at least one child module. See middle tiers in hierarchy.

As per claim 7, FrontPage discloses the method as claimed in claim 3 wherein the at least one of child module has a plurality of exit ports, and at least some of the

plurality of exit ports of the child module are linked to one exit of the base module. See navigation from the first tier to second tier components.

As per claim 8, FrontPage discloses the method as claimed in claim 1 wherein at least one of the exit ports of the at least one child module is linked to at least one of the entry ports of another child module. See navigation across a level.

As per claim 9, FrontPage discloses the method as claimed in claim 1 wherein the base store site module has at least one entry port for communication with the internet; (as in Claim 1) the at least one child module being selected from the set comprising: a store front (page) module, a shopping (area) module, a customer service (area) module, an information (area) module, or an auction (area) module. See Buy Now

As per claim 10, FrontPage discloses the method as claimed in claim as claimed in claim 9 wherein the base store site module has at least one entry port for communication with the internet and at least one exit port. See, for example, references to navigations buttons. See references to web site, first paragraph.

the at least one exit port of the base store site module being available for linking with an exit port of a child module.

Claim 11 is rejected on the same grounds as claim 1.

Claim 12 is rejected on the same grounds as claim 1.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James H Zurita/

Primary Examiner, Art Unit 3625

16 March 2008